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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,205

02/13/2006

Leo Gustaaf Joanna Emiel Marien

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

RALEIGH, DONALD L

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,205	<b>Applicant(s)</b> MARIEN ET AL.	
	<b>Examiner</b> DONALD L. RALEIGH	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on June 17, 2008 has been entered and acknowledged by the Examiner.

The addition of claims 7-9 has been entered.

Claims 1-9 are pending in the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by van der Leeuw et al (US Patent No. 5,532,543).**

**Regarding Claim 1**, van der Leeuw discloses, in Figure 2, a high-pressure discharge lamp (Column 1, lines 24-25) comprising: an outer envelope (10) in which a discharge vessel (11) is arranged around a longitudinal axis, the discharge vessel (11) enclosing, in a gastight manner (Column 5, lines 42-45), a discharge space (the inside of 11) provided with an ionizable filling (Column 5, lines 42-45, an inert gas with metal halide is an ionizable filling), the discharge vessel (11) having a first and a second mutually opposed neck-shaped portion (shown better in Figure 3) through which a first and a second current-supply conductor (18)(shown in Figure 2 as feed through), respectively, extend to a pair of electrodes (15) arranged in the discharge space (inside of envelope 11), the outer envelope (10) having a bulb-shaped portion (see Figure 2) adjacent the discharge space, the bulb-shaped portion (of 10) having a wall thickness  $d_1$ , the remainder of the outer envelope (10) having a wall thickness  $d_2$ , wherein the ratio of  $d_1$  and  $d_2$  is

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other than unity (Column 7, lines 1-3 discloses that the wall thickness of the outer envelope varies from 0.6 to 1 mm over its surface and thus  $d_1/d_2$  is other than unity.

**Regarding Claim 3**, van der Leeuw discloses a high-pressure discharge lamp (Column 1, lines 24-25) wherein the outer envelope (10) is made from quartz glass, hard glass (Column 5, lines 55-56) or soft glass.

**Regarding Claim 4**, van der Leeuw discloses, in Figure 2, a high-pressure discharge lamp (Column 1, lines 24-25) with a bulb shaped outer envelope (10) but fails to disclose wherein the bulb-shaped portion of the outer envelope (10) is formed in a mold.

In regards to the statement “is formed in a mold”, it is noted that the recitation is directed to the method of manufacturing the outer envelope.

In view of an absence of a showing that the method imparts distinctive structural characteristics to the final product, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device.

**Regarding Claim 5**, van der Leeuw discloses in Figures 2 and 3, a high-pressure discharge lamp wherein the discharge vessel has a quartz wall (Column 5, lines 27-29) .

**Regarding Claim 8**, van der Leeuw discloses a high-pressure discharge lamp (Column 1, lines 24-25) comprising: an outer envelope (10) in which a discharge vessel (11) is arranged around a longitudinal axis, the discharge vessel (11) enclosing, in a gastight manner (Column 5, lines 42-45), a discharge space (inside of 11) provided with an ionizable filling (Column 5, lines 42-45, an inert gas with metal halide is an ionizable filling), the discharge vessel (11) having a first and a second mutually opposed neck-shaped portion (see Figure 3) through which a first

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and a second current-supply conductor (Figure 2 (18), feed through), respectively, extend to a pair of electrodes (15), arranged in the discharge space (inside of envelope 11), the outer envelope (10) having a bulb-shaped portion (see Figure 2) adjacent the discharge space, the bulb-shaped portion (of 10) having a wall thickness  $d_1$ , the remainder of the outer envelope (10) having a wall thickness  $d_2$ , wherein  $d_1$  and  $d_2$  are not equal.

Column 7, lines 1-3 discloses that the wall thickness of the outer envelope varies from 0.6 to 1 mm over its surface and therefore there will be regions where  $d_1$  and  $d_2$  are not equal.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over van der Leeuw (543) in view of Cottaar et al (US Patent No. 5,510,676).**

**Regarding Claim 7**, van der Leeuw fails to exemplify the high-pressure discharge lamp wherein the ratio of  $d_1$  and  $d_2$  is in a range of:

$$0.35 \leq d_1/d_2 \leq 1.5.$$

Cottaar discloses at least in Figures 1 and 2, a high-pressure discharge lamp (Column 3, lines 63-65) wherein the ratio of  $d_1$  and  $d_2$  is in a range of:

$$0.35 \leq d_1/d_2 \leq 1.5.$$

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In the above equation,  $d_1=d_2$  also satisfies the equation. In Figure 1 of Cottaar, the outer envelope is bulb shaped but the part directly opposite the discharge is straight and that straight part extends past the discharge vessel. The Figure suggests that since this area is straight that the thickness is uniform, i.e.  $d_1=d_2$ ).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the uniform range of thickness, as taught by Cottaar, in the lamp of van der Leeuw to provide a uniform distribution of light through the center of the lamp.

### ***Allowable Subject Matter***

Claim 9 is allowed.

Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

**Regarding Claim 2**, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in Claim 2, and specifically comprising the limitation of. "the high-pressure discharge lamp wherein the ratio of  $d_1$  and  $d_2$  is in a range of:  $0.4 \leq d_1/d_2 \leq 0.8$ ".

**Regarding Claim 6**, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in Claim 6, and specifically comprising the limitation of "a high-pressure discharge lamp comprising: an outer envelope wherein the ratio of the distance  $d_e$  between the electrodes to the height  $h_{dl}$  of the high- pressure discharge lamp measured along the longitudinal axis lies in a range of:  $0.02 \leq d_e/h_{dl} \leq 0.2$ ."

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**Regarding Claim 9**, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in Claim 9, and specifically comprising the limitation of “the high pressure discharge lamp wherein the bulb-shaped portion adjacent the discharge space, the bulb-shaped portion having a wall thickness  $d_1$ , the remainder of the outer envelope having a wall thickness  $d_2$ , wherein the ratio of  $d_1$  and  $d_2$  is in a range of:  $0.4 \leq d_1/d_2 \leq 0.8$ .

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment of the independent claims has necessitated a new search and new prior art references, therefore:

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Raleigh/  
Examiner, Art Unit 2879

/Mariceli Santiago/  
Primary Examiner, Art Unit 2879